

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 202106215	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/02/2020 8:10 PM	Location of Incident: West Street at Morris Street	Precinct: 01	18 Mo. SOL 12/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 06/26/2020 3:38 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/26/2020 3:38 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Jason Ragoo	07277	939268	GVSD Z1
2. DT3 Carlos Velez	05575	919817	GVSD Z1
3. DT3 Mike Civil	02114	935092	GVSD Z1
4. An officer			
5. DT3 Christopher Vickery	07174	945079	DB GVSD

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT CD William Buchanan	00000	924993	DET BUR
2. SGT Irene Bonicadelgado	02352	938343	100 PCT
3. PO Vicente Cardenas	00840	959532	SRG 4
4. PO David Cardona	16573	960324	SRG 4
5. SGT Joseph Carlsen	01940	951586	SRG 1
6. PO Jose Colon	20734	931603	SRG 2
7. PO Patrick Connolly	12224	930038	SRG 3
8. CPT Julio Delgado	00000	918927	SRG 2
9. INSP Gerard Dowling	00000	915640	SRG
10. PO Roberto Feliciano	19830	958578	044 PCT
11. DT3 Anthony Fernandez	02026	950401	VED ZN2
12. SGT Randy Figueroa	04844	941750	032 PCT
13. SGT Richard Guerrieri	01567	948039	SRG 5
14. DT3 Michael Harkins	00219	955974	GVSD Z1
15. PO Robert Harrington	30008	965171	040 PCT
16. PO Jhunaissy Hidalgo	12852	951820	043 PCT
17. DC Michele Irizarry	00000	915113	TRN BUR
18. PO Jonathan Ku	01199	951890	SRG 4
19. SGT David Lamarre	03547	947929	SRG 3
20. PO Lilian Lozada	20533	962917	041 PCT
21. DI James Mcgeown	00000	889041	SRG
22. DT3 John Mchugh	00581	948163	GVSD Z1

Witness Officer(s)	Shield No	Tax No	Cmd Name
23. PO Eduardo Mejia	10215	960929	SRG 1
24. PO Adam Muniz	31861	955234	SRG 1
25. SGT Daniel Nicoletti	05379	942271	F S S
26. PO Michael Pascale	30095	956153	SRG 3
27. SGT Joel Polanco	04089	953261	040 PCT
28. PO Harvey Rabel	18646	937321	SRG 3
29. CPT Ronald Ramos	00000	935562	SRG 4
30. LT Christopher Schmidt	00000	907284	SRG 1
31. SGT Ray Soriano	00701	956275	PA UPTU
32. LT Peter Sotiriou	00000	924515	SRG 3
33. DT3 Christian Villacis	05498	949772	GVSD Z1
34. DI CHET WAKIE	00000	927702	C S O
35. PO Crystal Washington	20523	968187	040 PCT
36. DT3 Eric Yeung	00699	941257	VED ZN2
37. PO Franz Zabala	08624	939730	SRG 1
38. DI Ronald Zedalis	00000	927702	C S O
39. SGT Elliot Zinstein	05494	947634	TRN BUR

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Jason Ragoo	Force: Detective Jason Ragoo struck an individual with a baton.	
B.DT3 Jason Ragoo	Force: Detective Jason Ragoo struck an individual with a baton.	
C.DT3 Jason Ragoo	Force: Detective Jason Ragoo used physical force against an individual.	
D.DT3 Mike Civil	Force: Detective Mike Civil struck an individual with a baton.	
E. An officer	Force: An officer struck an individual with a baton.	
F.DT3 Christopher Vickery	Force: Detective Christopher Vickery used physical force against an individual.	
G.DT3 Carlos Velez	Force: Detective Carlos Velez used physical force against an individual.	
H.DT3 Carlos Velez	Force: Detective Carlos Velez struck an individual with a baton.	
I.DT3 Jason Ragoo	Force: Detective Jason Ragoo used physical force against an individual.	
J.DT3 Jason Ragoo	Force: Detective Jason Ragoo struck an individual with a baton.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On June 26, 2020, § 87(2)(b) filed this complaint on behalf of unknown individuals with the CCRB by phone. This case and case number 202103129 were split from CCRB case 202003978 for closing purposes.

On June 2, 2020, at approximately 8:10 p.m., at West Street and Morris Street in Manhattan, § 87(2)(b) was taking part in a protest in honor of Black Trans Lives. § 87(2)(b) was walking northbound on the east side of West Street away from officers while filming on his cell phone when he captured on video a group of officers, including Det. Jason Ragoo, Det. Carlos Velez, Det. Mike Civil, Det. Christopher Vickery, Sgt. Daniel Nicoletti, and Lieutenant William Buchanan, all of the Gun Violence Suppression Division (Det. Ragoo and Lieutenant Buchanan have since been transferred to the Detective Bureau, Sgt. Nicoletti has since been transferred to the Firearms Suppression Section, and Det. Velez has since retired), approaching a group of protestors who were slowly walking away from the officers. A Black female ran forward from the group of protestors and approached the officers. Det. Ragoo pushed this female away from the officers with his baton (**Allegation A: Force – Nightstick as club (incl asp & baton)**, § 87(2)(g)). This female then backed away from the officers.

As the officers continued to move northbound, a white male wearing a camouflage patterned backpack stopped walking and put his hands above his head. Det Ragoo approached this male, who turned so his back was facing Det. Ragoo, and Det. Ragoo pushed this male by the backpack forward with his baton (**Allegation B: Force – Nightstick as club (incl asp & baton)**, § 87(2)(g)). This male turned back to face Det. Ragoo and, as Det. Ragoo was going to apprehend the female he had previously pushed, Det. Ragoo felt the male allegedly reach his arm around his neck and try to pull Det. Ragoo away from the female. Det. Ragoo then allegedly pushed the male off him (**Allegation C: Force – Physical Force**, § 87(2)(g)) as Det. Civil struck the same male in the head with his baton (**Allegation D: Force – Nightstick as club (incl asp & baton)**, § 87(2)(g)).

An Asian female approached the male as Det. Civil struck him, and an officer struck this female in the legs with his baton (**Allegation E: Force – Nightstick as club (incl asp & baton)**, § 87(2)(g)). Det. Vickery took the male to the ground (**Allegations F: Force – Physical Force**, § 87(2)(g)) with the assistance of Det. Velez (**Allegation G: Force – Physical Force**, § 87(2)(g)). As the male was going to the ground, Det. Velez struck him in the torso with his baton (**Allegation H: Force - Nightstick as club (incl asp & baton)**, § 87(2)(g)).

After the officer struck the second female in the legs with the baton, Det Ragoo pulled her down to the ground on her right side into a fetal position with her hands above her head (**Allegation I: Force – Physical Force**, § 87(2)(g)). While she was in this position on the ground, Det. Ragoo struck the female with the end of his baton in her torso (**Allegation J: Force - Nightstick as club (incl asp & baton)**, § 87(2)(g)).

§ 87(4-b), § 87(2)(g)

§ 87(2)(b) provided cell phone footage of this incident (**BR 01 and BR 02**). Body worn camera footage was obtained from PO Jonathan Ku (**BR 03 and BR 04**), Lieutenant Schmidt (**BR 05 and BR 06**), PO Cardenas (**BR 07 and BR 08**), PO Zabala (**BR 09 and BR 10**), PO Patrick Connolly (**BR 11, BR 12, BR 13, BR 14, and BR 15**), PO Michael Pascale (**BR 16 and BR 17**), PO Adam Muniz (**BR 18 and BR 19**), PO Harvey Rabel (**BR 20 and BR 21**), PO Roberto Feliciano (**BR 22 and BR 23**), PO Eduardo Mejia (**BR 24 and BR 25**), PO Crystal Washington (**BR 26 and BR 27**), Sgt. Elliot Zinstein (**BR 28 and BR 29**), PO David Cardona (**BR 30 and BR 31**), PO Jhunaissy Hidalgo (**BR 32, BR 33, and BR 34**), Lieutenant Peter Sotiriou (**BR 35 and BR 36**), Sgt. David Lamerre (**BR 37, BR 38, BR 39, and BR 40**). The relevant videos are discussed below.

§ 87(2)(b) received a summons as a result of this incident (**BR 41**). Although the male and second female were likely arrested, the investigation was unable to identify them. There was no

additional video of this incident.

This case was added to the sensitive case list on June 11, 2020, due to media coverage of the incident (**BR 50** and **BR 51**).

Findings and Recommendations

Allegation (A) Force: Detective Jason Ragoo struck an individual with a baton.

Allegation (B) Force: Detective Jason Ragoo struck an individual with a baton.

Cell phone video from § 87(2)(b) (**BR 01** and **BR 02**), from the beginning until 00:27 seconds, as well as body-worn camera footage from PO Ku (**BR 03** and **BR 04**), from 1:25 minutes until 1:42 minutes, captured this portion of the incident.

§ 87(2)(b)'s video (**BR 01** and **BR 02**) begins with the camera focused on a group of civilians walking northbound on the east side of West Street. The camera faces south, where a line of police officers is visible at the south end of the protest walking northbound with the protestors also walking northbound away from the officers. At 00:10 seconds, someone on the left side of the frame throws what appears to be a water bottle toward officers. At 00:12 seconds, someone throws another item toward the officers from the same general area. At 00:17 seconds, on the upper right side of the frame, a Black female wearing a green multi-colored, long sleeve shirt with long hair that is blonde on top and black on the bottom, moves southbound to approach the officers and then walks backward while facing the officers as they approach her. At 00:19 seconds, someone yells, "Hold the Line! Hold the Line!" Beginning at 00:24 seconds on the middle right of the frame, Det. Ragoo approaches this female, and, while holding his baton on either end with both of his hands at mid-chest height, pushes the female at torso level. While most of the contact happens outside of the frame, a screenshot from 00:24 seconds captures a portion of this (**BR 42**).

At 00:25 seconds, a white male wearing a black t-shirt, dark blue jeans, and a camouflaged patterned backpack turns his back toward the officers. At 00:26 seconds on the right side of the frame, Det. Ragoo pushes this male with his baton, which he is holding with both of his hands at mid-chest level in the mid back in the backpack. A screenshot at 00:26 seconds, captures this contact (**BR 43**). Det. Ragoo and this male move out of the frame, while officers, including Det. Civil on the left of the frame, walk forward and direct people to leave the area.

In PO Ku's body-worn camera footage (**BR 03** and **BR 04**), beginning at 1:25 minutes, the Black female is visible on the left of the frame closest to the officers. This female walks back and forth horizontally across the street in front of the officers slowly backing up as the officers advance. At 1:35 minutes, this female slows her pace in front of Det. Ragoo, who, at 1:37 minutes, pushes her back with his baton. This female remains standing and moves further away from the officers. A screenshot from 1:37 minutes captures this contact (**BR 44**).

At approximately the same time, the white male is visible behind the female with his back turned to Det. Ragoo and his hands raised in the air. This male walks slowly northbound, and, at 1:39 seconds, Det. Ragoo pushes the male in the back by the backpack while holding either end of his baton with both his hands. The male then continues walking forward with his arms above his head in the air. A screenshot from 1:39 minutes captures this contact (**BR 45**).

§ 87(2)(b) (**BR 46**) stated that he was primarily focused on filming the protest with his phone, so, while he saw officers interacting with many people, he did not recall witnessing this specific incident other than what he captured on video. § 87(2)(b) did not know any of the people captured in this footage.

The investigation was unable to identify the victims in the incident.

Det. Ragoo (**BR 47**) stated that he had been assigned that day to a mobile field force detail to assist with controlling the ongoing protests. Det. Ragoo could not recall all the officers in the detail, but it included Lieutenant Buchanan, Sgt. Nicoletti, Det. Vickery, and Det. Civil. At approximately 8 p.m., Lieutenant Buchanan instructed the detail that they were going to the West Side Highway because a large number of protestors were out after the 8:00 p.m. curfew. When they arrived, Det. Ragoo observed approximately 100 people walking southbound on West Street toward

the entrance to the Battery Tunnel where a group of SRG officers were lined up to stop their forward progress. A loudspeaker was projecting an announcement instructing people to disperse because of the curfew or else they would be arrested.

Det. Ragoo and the officers in his detail immediately joined the line of SRG officers near the entrance to the Battery Tunnel and started to give verbal instructions for people in the crowd to disperse. A few people complied and left the area, but most of the people yelled profanities at the officers and threw fist-sized rocks, glass and plastic water bottles, and liquids at the officers, some of which hit Det. Ragoo in the head, arms, and back. Officers from the Legal Bureau, who Det. Ragoo could not describe other than that they were wearing shirts with the word “Legal” written on them, told him and the other officers around him to move forward. The Legal Bureau officers then pointed out specific people for the officers to arrest but did not provide the reason for the arrests.

Det. Ragoo was initially with the other members of his detail. As they moved forward, some people in the crowd dispersed. However, most of the protestors started to move toward the officers, surrounding them on all sides, at which time Det. Ragoo lost track of the other officers in his detail. Det. Ragoo, who was holding his baton on either end with both hands, continued to give instructions for people to disperse and pushed people who advanced on the officers back to compel them to clear the area. The protestors did not comply, and Det. Ragoo observed them yelling, punching officers, throwing the same objects as before, and using bikes and hands to push back against the officers.

As they continued to move north, Det. Ragoo instructed a female he could not describe who was standing in front of him to disperse. The female verbally responded, but Det. Ragoo could not recall what she said. Det. Ragoo then moved forward to apprehend her. Det. Ragoo did not recall pushing this female with his baton and did not recall pushing a male shortly after. Det. Ragoo was presented with cell phone footage from § 87(2)(b) and body-worn camera footage from PO Ku. However, Det. Ragoo had no further recollection of the incident based on the video.

Det. Civil’s statement (**BR 48**) was generally consistent with that of Det. Ragoo with the following exceptions noted. Just prior to arriving at West Street near the Battery Tunnel, Det. Civil and his detail had been pursuing a group of looters on foot who merged into and hid themselves amongst the large group of protestors. The protestors were chanting and screaming loudly, some using their own sound devices, making threats toward the officers present, although Det. Civil could not recall what the threats were, fighting amongst each other, and throwing objects including water bottles, rocks, pocket change, and tennis balls. At some point, Det. Civil could not recall when, a water bottle hit him in the head, and he saw other officers also hit with airborne objects.

A few minutes after he arrived at the location, a male inspector Det. Civil could not describe told officers to start to clear the street and to enforce the curfew; however, this inspector provided no instructions about how the officers were to do this. Det. Civil, while holding either end of his baton with both of his hands, walked northbound and gave instructions for people to clear the area. While he saw officers taking multiple people into custody, Det. Civil had no recollection of seeing any officers strike any individuals with their batons, nor could he recall the incident having viewed § 87(2)(b) cell phone video and PO Ku’s body-worn camera footage.

Det. Vickery’s statement (**BR 49**) was generally consistent with those of Det. Ragoo and Det. Civil with the following exceptions noted. When Det. Vickery first arrived at the location, a line of officers was standing across West Street at Battery Place opposite a stationary crowd of protestors, the size of which he could not estimate. Det. Vickery and the other officers in his detail joined the line of officers, and a supervising officer behind him who he did not see gave an order for them to move forward and disperse the crowd. Almost as soon as they started walking north, Det. Vickery saw Det. Ragoo struggling to place a white male with a ponytail into handcuffs, but Det. Vickery did not see how this male came to be on the ground. Det. Vickery did not see Det. Ragoo push that white male with his baton, and he did not see Det. Ragoo push anyone else with his baton. Det. Ragoo later told Det. Vickery that he had tried to grab a female, but that the white male had doubled back from the crowd to intervene.

Det. Vickery viewed cell phone footage from § 87(2)(b) and body-worn camera footage from PO Ku, and he confirmed that this was the incident he observed with Det. Ragoo. However, Det. Vickery had no recollection of seeing Det. Ragoo push the female or the male.

Lieutenant Buchanan's statement (**BR 52**) was generally consistent with those of Det. Ragoo, Det. Vickery, and Det. Civil with the following exceptions noted. Upon arrival, Lieutenant Buchanan observed approximately 500 to 1000 protestors who did not appear to be doing anything physically threatening. At approximately 8:15 p.m., SRG gave an order to clear the streets, and, when the protestors did not disperse, SRG officers began making arrests. Lieutenant Buchanan and the officers in his detail followed behind the SRG officers and assisted the SRG officers as they made arrests. As officers started making arrests, protestors began throwing bottles and other debris at officers. Lieutenant Buchanan observed officers arrest approximately 70 people while in the general area, but he could not recall specifics of any of the arrests. Lieutenant Buchanan did not recall ever seeing any officer strike anyone with their baton or push anyone back their baton. Lieutenant Buchanan was shown § 87(2)(b)'s cell phone footage and PO Ku's body-worn camera footage, but he had no further recollection of this portion of the incident

Det. Velez (**BR 53**), Sgt. Nicoletti (**BR 54**), PO Ku (**BR 55**), PO Washington (**BR 56**), PO Muniz (**BR 57**), PO Mejia (**BR 58**), Deputy Inspector McGeown (**BR 59**), Inspector Dowling (**BR 60**), Deputy Inspector Zedalis (**BR 61**), Captain Ramos (**BR 62**), PO Connolly (**BR 63**), PO Pascale (**BR 64**), and Lieutenant Schmidt (**BR 70**) all provided generally consistent statements. None of the officers recalled seeing Det. Ragoo push anyone with his baton. All of the officers viewed § 87(2)(b)'s cell phone footage and PO Ku's body-worn camera footage, but they had no further recollection of this portion of the incident.

Emergency Executive Order No. 118 (**BR 65**), issued by Mayor Bill DeBlasio on June 1, 2020, established a city-wide curfew from 8:00 p.m. on June 2, 2020, until 5:00 a.m. on June 3, 2020, during which time no persons or vehicles were permitted in public. Exceptions to the executive order were police officers, peace officers, firefighters, first responders and emergency medical technicians, individuals travelling to and from essential work and performing essential work, people experiencing homelessness and without access to a viable shelter, and individuals seeking medical treatment or medical supplies.

It was undisputed that the protestors were out after curfew, that some protestors were throwing items at officers, and that officers were giving repeated warning for people to disperse from the area. However, rather than comply with these commands to leave the area, the Black female protestor approached the officers and remained in the street, at which point Det. Ragoo pushed her back while holding either end of this baton with both of his hands. Immediately after pushing the female, Det. Ragoo pushed a male from behind in the backpack with his baton in the same manner when he refused to leave the area.

Patrol Guide procedure 221-01 (**BR 66**) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody. In determining whether the use of force is reasonable, members of the service should consider the following: 1) The nature and severity of the crime/circumstances. 2) Actions taken by the subject. 3) Duration of the action. 4) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders. 5) Whether the subject is actively resisting custody. 6) Whether the subject is attempting to evade arrest by flight. 7) Number of subjects in comparison to the number of MOS. 8) Size, age, and condition of the subject in comparison to the MOS. 9) Subject's violent history, if known. 10) Presence of hostile crowd or agitators. 11) Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

§ 87(2)(g)

Allegation (C) Force: Detective Jason Ragoo used physical force against an individual.

Allegation (D) Force: Detective Mike Civil struck an individual with a baton.

Allegation (E) Force: An officer struck an individual with a baton.

Allegation (F) Force: Detective Christopher Vickery used physical force against an individual.

Allegation (G) Force: Detective Carlos Velez used physical force against an individual.

Allegation (H) Force: Detective Carlos Velez struck an individual with a baton.

Allegation (I) Force: Detective Jason Ragoo used physical force against an individual.

Allegation (J) Force: Detective Jason Ragoo struck an individual with a baton.

Cell phone video from § 87(2)(b) (BR 01 and BR 02), from 00:28 seconds unit 00:44 seconds, as well as body-worn camera footage from PO Ku (BR 03 and BR 04), from 1:42 minutes until 1:55 minutes, captured this portion of the incident.

In § 87(2)(b)'s video (BR 01 and BR 02), beginning at 00:33 seconds, Det. Civil runs toward Det. Ragoo and the same white male wearing a black t-shirt, dark blue jeans, and a camouflaged patterned backpack, who are initially out of the frame. Det. Ragoo is behind the male, who has his back toward Det. Ragoo. It is not clear from the video what the contact is between Det. Ragoo and this male. However, this male has turned partially to his left toward Det. Ragoo. Det. Civil lifts his baton to the male's neck level, and, with both hands holding either end of the baton, hits the back of this male's head at the base of the skull, pushing him forward so that he is bent at the waist. A screenshot of the moment of contact from 00:33 seconds captures the locations of the identified officers (BR 67). Det. Vickery, who is to the right of the frame, is walking and looking forward, and Det. Velez and PO Washington are further south on West Street.

At 00:34 seconds, a white female wearing all black and a yellow and orange facemask is directly behind Det. Ragoo, who is now between the male and this female. The male's, female's, and Det. Ragoo's hands are not visible in the frame, and the contact between them is not captured. A white male officer wearing a dark blue uniform with long sleeves approaches from the left side of the frame, and, at 00:35 seconds he strikes the female with his baton on the outer side of her right thigh as she turns around to face southbound. The female is directly behind Det. Ragoo and is close enough to touch his back. However, specific contact is not captured. As the female continues to turn southbound, at 00:36 seconds, the white male officer strikes her with his baton a second time in the back of the left thigh, and, at 00:37 seconds, a third time in the back of the left thigh.

At approximately the same time, Det. Velez and Det. Vickery pull the male down to the ground backwards with their hands so that he lands on his buttocks. Simultaneously, Det. Ragoo grabs the female by the hair on the right side of her head with his right hand and pulls her backward down to the ground such that she lands on her buttocks. By 00:38 seconds, the female turns and lies on her right side in the fetal position with both of her hands over her head. At 00:39 seconds, Det. Ragoo bends over the female, puts both of his hands on his baton, and strikes her with the end of his baton on the left side of her torso by the stomach and upper chest area in a swift downward motion. A screenshot from 00:39 seconds (BR 68) captures the moment of contact. At the time Det. Ragoo strikes the female, Det. Vickery is attending to the male, who is lying on the ground on his left side in the fetal position with his hands over his head. There are approximately 10 officers in the general vicinity and no other protestors present in the immediate area.

In PO Ku's body-worn camera footage (BR 03 and BR 04), beginning at 1:45 minutes, the female wearing all black with the yellow and orange facemask is standing between Det. Ragoo and the male. A screenshot from 1:46 minutes captures their general locations (BR 69). Det. Ragoo grabs the female from behind by the upper arms and turns her southbound away from the male. Det. Ragoo turns with her as she continues to rotate until she is facing northbound. At 1:47 minutes, the female and the male are on either sides of Det. Ragoo. Both the male and the female are close enough to touch Det. Ragoo, but specific contact is not clear in the footage. PO Ku approaches the area behind an unidentified officer from the legal bureau. At 1:49 minutes, Det. Velez, who is

wearing a dark blue uniform with short sleeves approaches from the left side of the frame, and, at 1:50 minutes, strikes the male individual in the torso with the end of his baton as the male is going down to the ground. After striking the male, Det. Velez steps back, and Det. Vickery moves to the ground to place the male into flex cuffs. PO Ku then continues to walk past the male and the female northbound.

As noted above, § 87(2)(b) (BR 43) stated that he was primarily focused on filming the protest and made no independent observations of this portion of the incident.

The investigation was unable to identify the victims in this incident.

Det. Ragoo (BR 44) stated that after he told the female he could not describe to disperse and she refused, he moved forward to apprehend her, at which time he felt a male reach his arm around his [Det. Ragoo's] neck and make contact with the front of his neck with his arm. At few moments later, he felt the male on his back trying to pull Det Ragoo away from the female. Det. Ragoo could not recall what his exact physical response to this was, but he thought that he tried to push the male off him. He and other officers then took the male and the female into custody, but he could not recall specifically how he and the other officers did this. The situation was very chaotic, so Det. Ragoo could not recall what other officers were around him or if any officers came to his assistance when he felt the male try to pull him away from the female, nor could he recall which officers helped him place the male and female into custody. Det Ragoo could not recall if he struck the female in the torso while trying to take her into custody and did not see Det. Civil or any other officer strike anyone with their batons.

Once the male and female were in custody, Det. Ragoo walked them further south on West Street where SRG officers were waiting with other arrestees for transportation. Det. Ragoo remained with the male and female until a supervisor, he was not sure who the officer was or his command, assigned the arrests to another officer. Det. Ragoo did not know who the arresting officer ultimately was.

Det. Ragoo noted that he received training in the Police Academy to use baton strikes to overcome or prevent physical assault. Strikes to the "green area," which comprises the arms and legs, are permissible. He was instructed to avoid striking the head.

Det. Ragoo reviewed § 87(2)(b)'s cell phone footage and PO Ku's body-worn camera footage; however, he had no further recollection of the incident.

Det. Civil's statement (BR 48) was generally consistent with that of Det. Ragoo with the following exceptions noted. Although Det. Civil saw officers affect numerous arrests as he walked north on West Street trying to clear the crowd, he had no recollection of this particular incident. Det. Civil described assisting in one arrest. However, the circumstances of that arrest were not similar to this particular incident.

Det. Civil initially denied ever striking anyone in the head area, stating, "I would never intentionally strike anyone in the head with a baton. That's, like, red." Det. Civil did not recall observing any other officers strike any protestors in the legs or the torso, but noted that it was possible and that the situation was chaotic with events unfolding very quickly.

Det. Civil noted that he received training in the Police Academy 16 years prior regarding the use of baton strikes, where he was instructed that it was permissible to utilize baton strikes in instances of escalating force by civilians to gain compliance. Baton strikes should be directed toward major muscle groups like the biceps or thighs. Areas to be avoided are the head and joints. However, as situations are fluid and subjects are rarely stationary, no areas are strictly prohibited. Factors to consider when determining whether to use a baton strike to gain compliance include the level of force being used against officers, proximity of a crowd, and whether other means to gain compliance, like verbal commands or the use of pepper spray, were ineffective or not possible.

Det. Civil viewed § 87(2)(b)'s cell phone footage and, although he was able to identify himself as the officer who strikes the male in the head area with his baton, Det. Civil had no independent recollection of doing so, nor did he recall any portion of this particular incident. However, having seen the video, Det. Civil stated that it appeared to him that the male had grabbed

one of the officers [Det. Ragoo.] Det. Civil stated, “I don’t know what he’s [the male] doing, but for me to go from, ‘Get back, everybody!’ to a straight bash to him specifically? He was assaulting a cop. That’s what he was doing.” Det. Civil clarified that this statement was only in regard to what he observed in the video and not based on any independent recollection of the incident. Det. Civil did not recall aiming to strike anyone’s head during the course of the incident and noted, “I think I aimed for his shoulder, and it probably rolled up, but I know the head is a no-no.” Again, Det. Civil noted that this was only based on his observations of the video and not his own recollections.

Det. Civil also viewed PO Ku’s body-worn camera footage, but he did not further recall the incident.

Det. Velez’s statement (**BR 53**) was generally consistent with those of Det. Ragoo and Det. Civil with the following exceptions noted. Det. Velez recalled assisting a supervising officer arrest an individual who had been swinging a bike at officers, but he had not recollection of this particular incident. Det. Velez initially denied ever striking a male individual in the torso with his baton, and he did not see any other officers strike any individuals with their batons. Det. Velez explained that he received training regarding the use of baton strikes in 1997 when he was in the Police Academy. He was instructed to use baton strikes if necessary in response to general force from civilians. When using baton strikes, he was told to avoid the head and to aim for center mass, which he described as the torso, arms, and legs.

Det. Velez viewed § 87(2)(b) s cell phone footage, but he still had no recollection of the incident, although he was able to identify himself at 00:34 seconds as the officer in the short sleeves with a mustache on the right of the frame by the median in the middle of the road. Having viewed the footage, Det. Velez had no independent recollection of the incident.

Det. Velez also viewed PO Ku’s body-worn camera footage, and he was able to identify himself as the officer in the left side of the frame holding a baton in his right hand at 1:33 minutes. Having viewed this video, Det. Velez still had no recollection of this particular incident. However, based on the video, it appeared to Det. Velez that the female and the male were grabbing an officer, Det. Velez was not sure who, by the neck. Det. Velez confirmed that this was only based on what he saw in the video and not his own independent recollection of the incident. Det. Velez also identified himself as the officer at 1:50 minutes who utilizes an “end strike,” which he described as a strike with the end of the baton to gain compliance, against the male, but he stated that he had no independent recollection of having done this and still did not recall the interaction. Based on the video, it appeared to Det. Velez that the male was resisting the officers, but he did not independently recall this.

Det. Vickery’s statement (**BR 49**) was generally consistent with those of Det. Ragoo, Det. Civil, and Det. Velez with the following exceptions noted. As Det. Vickery was walking northbound on West Street, he saw Det. Ragoo, who was approximately five to 10 feet away from him, struggling to put handcuffs on the white male, who was already on the ground. Det. Vickery could not recall if Det. Ragoo was holding his baton while interacting with the male. The male was initially on his side, and Det. Vickery was trying to pull his hands behind his back. Det. Vickery ran over to assist Det. Ragoo and helped Det. Ragoo roll the male onto his stomach so they could more easily place him into restraints. Det. Vickery asked the male to put his hands behind his back, and the male asked Det. Vickery how he was supposed to do that. Det. Vickery told him to roll over, which he did, and Det. Vickery and Det. Ragoo were able to handcuff him without further incident. Det. Vickery was not sure if a female was arrested at approximately the same time, but he noted that it was a possibility.

Once the male was handcuffed, Det. Vickery and Det. Ragoo walked him to a rendezvous point on the sidewalk to wait for a transportation truck to take the male to the arrest processing location. While waiting, the male complained about pain to one of his teeth, but he did not further explain the injury or how he obtained it. Det. Vickery looked at the male’s face, but he did not observe any visible injuries. A supervisor eventually assigned the arrest to another officer, Det. Vickery was not sure who, and he and Det. Ragoo resumed patrol. Det. Ragoo later told Det.

Vickery that he had tried to grab a female and that the male and doubled back from the crowd to intervene. Det. Ragoo had shifted his focus to the male, and it was at that time that Det. Vickery came over to assist.

Det. Vickery did not see Det. Civil strike the male in the head area with his baton, and he did not see any officers strike either the male or the female in the torso with their batons.

Lieutenant Buchanan's statement (**BR 52**) was generally consistent with those of Det. Ragoo, Det. Civil, Det. Velez, and Det. Vickery with the following exceptions noted. Lieutenant Buchanan did not recall seeing any officers in his detail make any arrests and did not recall seeing any officers strike any individuals in any parts of their bodies with their batons. Lieutenant Buchanan viewed § 87(2)(b)'s cell phone footage and PO Ku's body-worn camera footage, but neither refreshed his memory of the incident.

PO Ku (**BR 55**), PO Washington (**BR 56**), Captain Ramos (**BR 62**), Sgt. Nicoletti (**BR 54**), PO Muniz (**BR 57**), PO Mejia (**BR 58**) and Deputy Inspector McGeown (**BR 59**) all provided generally consistent statements. While they were in the general vicinity of the incident, they had no recollection of having observed this portion of the incident. They all viewed § 87(2)(b)'s cell phone footage and PO Ku's body-worn camera footage but still had no recollection of having observed the incident.

Lieutenant Schmidt (**BR 70**), Deputy Inspector Zedalis (**BR 61**), and Inspector Dowling (**BR 60**) all consistently stated that they were not in the general vicinity of the incident, and, having viewed § 87(2)(b)'s cell phone footage and PO Ku's body-worn camera footage, noted that they were not present when it occurred.

Emergency Executive Order No. 118 (**BR 65**), issued by Mayor Bill DeBlasio on June 1, 2020, established a city-wide curfew from 8:00 p.m. on June 2, 2020, until 5:00 a.m. on June 3, 2020, during which time no persons or vehicles were permitted in public. Exceptions to the executive order were police officers, peace officers, firefighters, first responders and emergency medical technicians, individuals travelling to and from essential work and performing essential work, people experiencing homelessness and without access to a viable shelter, and individuals seeking medical treatment or medical supplies.

DAO confirmed that Det. Velez retired on May 29, 2021 (**BR 71**).

It was undisputed that the male and female were out after curfew in violation of the Mayoral Executive Order and that they were refusing to disperse from the roadway. At the time Det. Ragoo initiated contact, the male and female were the closest protestors to the line of approximately 15 to 20 officers who were approaching and surrounding them, isolating them from the larger group of protestors. The other protestors were slowly backing away from the officers. It was also undisputed that people in the crowd were throwing objects, at a distance, at the officers.

Det. Ragoo stated that when he tried to apprehend the female, the male reached his arm around the front of Det. Ragoo's neck and tried to pull Det. Ragoo away from the female, but this contact was not captured on video, was not corroborated by any other officers or witnesses, and the investigation was unable to identify any of the victims directly involved to obtain their statements. Det. Civil had no independent recollection of striking the male in the head with his baton but stated that, based solely on the video, he had probably thought that the male was attacking Det. Ragoo. Det. Civil denied deliberately aiming for the male's head. None of the other officers present recalled observing Det. Civil striking the male or the circumstance under which he did this.

Once Det Civil struck the male, the female turned so that Det. Ragoo was between her and the male, at which time an unidentified officer struck her three times in the mid to upper thigh area. At approximately the same time, Det. Vickery and Det. Velez pulled the male to the ground. While the male was going to the ground, Det. Velez struck him with the end of his baton in the torso. Det. Ragoo then pulled the female down to the ground by her shoulder with his hand to the ground. The female went to the ground on her right side in the fetal position with her hands above her head. When the female was on the ground in this position, the male was next to her lying on his left side also in the fetal position with his hands above his head, and they were immediately surrounded by

approximately 10 to 15 officers with no other protestors nearby. Det. Ragoo then lifted his baton up with both his hands on the baton and drove it down into the female's torso. Det. Ragoo had no independent recollection of having done this. Det. Ragoo and Det. Vickery placed the male and female into restraints and led them to a holding area to wait for transportation to the arrest processing area, but neither officer knew the arresting officer(s).

Patrol Guide procedure 221-01 (**BR 66**) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody. In determining whether the use of force is reasonable, members of the service should consider the following: 1) The nature and severity of the crime/circumstances. 2) Actions taken by the subject. 3) Duration of the action. 4) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders. 5) Whether the subject is actively resisting custody. 6) Whether the subject is attempting to evade arrest by flight. 7) Number of subjects in comparison to the number of MOS. 8) Size, age, and condition of the subject in comparison to the MOS. 9) Subject's violent history, if known. 10) Presence of hostile crowd or agitators. 11) Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

Members of the service shall not use any level of force to punish, retaliate, or coerce a subject to make statements.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- Det. Ragoo has been a member of service for 16 years he has been a subject in 13 CCRB complaints and 28 allegations, none of which were substantiated. § 87(2)(g)
- Det. Velez was a member of service for 24 years and retired on May 29, 2021 (**BR 71**). During that time, Det. Velez was a subject in 11 CCRB complaints and 34 allegations, one of which was substantiated.
 - 201606359 involved a substantiated allegation of a search of a person. The Board recommended Command Discipline A, and the NYPD imposed Command Discipline A.§ 87(2)(g)
- Det. Vickery has been a member of service for 14 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- Det. Civil has been a member of service for 17 years and has been a subject in 29 CCRB complaints and 93 allegations, three of which were substantiated.
 - 200609036 involved a substantiated allegation of physical force. The Board recommended charges, and the NYPD imposed no penalty.

- 200715114 involved a substantiated allegation of a traffic stop. The Board recommended charges, and the NYPD imposed no penalty.
- 201113437 involved a substantiated allegation of a discourteous word. The Board recommended Charges, and the NYPD imposed Command Discipline B.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of August 21, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (**BR 76**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 77**).
- The investigation was unable to identify the victims in the case, and therefore could not determine their criminal histories.

Squad: 10

Investigator:	<u>Maura R. Roche</u>	<u>SI Maura R. Roche</u>	<u>12/01/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Eric Rigie</u>	<u>IM Eric Rigie</u>	<u>12/3/2021</u>
	Signature	Print Title & Name	Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____